



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup
Professionals

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PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on October 29, 2009

[Approved on December 11, 2009]

Prepared by: Terry Wood

Meeting Location: Arcadis, 2 Executive Drive, Suite 303, Chelmsford.

- 1. Call to Order:** Robert Luhrs called the meeting to order at approximately 1:05 p.m. Also present were Gail Batchelder, Deborah Farnsworth, Christophe Henry, Jack Guswa, Gretchen Latowsky, Kelley Race and Debra Stake. Janine Commerford joined the meeting at approximately 1:10 p.m. Committee members absent: Kirk Franklin. Staff members present were Allan Fierce, Brian Quinlan, Lynn Read, Terry Wood, Ron Viola and Al Wyman. Also present was Carl Shapiro of the LSP Association.
- 2. Announcements:** None.
- 3. Previous Minutes:** The draft minutes of the meeting held on September 30 were approved with minor edits.
- 4. Old Business**
 - A. Status of CRTS**

At Mr. Luhrs' request, the chair of each CRT reported on progress made since the September meeting.
 - B. Report from Course Subcommittee**

Ms. Wood stated that the subcommittee has not met.

C. Discussion requiring the handling of future appeals

Ms. Wood stated that she, Ms. Commerford, Mr. Luhrs and Ms. Stake had recently met with Tim Jones, the new hearing officer at MassDEP's Office of Appeals and Dispute Resolution ("OADR"). She stated that, prior to joining the staff at OADR, Mr. Jones spent three years in MassDEP's Office of General Counsel and worked on a number of 21E-related matters arising out of BWSC audits. Prior to working at MassDEP, he worked at the Massachusetts Attorney General's office and was involved in a number of appeals arising out of MassDEP cases. Ms. Wood added that Mr. Jones seems interested in working on LSP Board matters. Mr. Luhrs said that everyone who attended the meeting was impressed with Mr. Jones' demeanor and he added that Mr. Jones indicated he would feel comfortable acting as sole hearing officer for LSP Board matters. Ms. Wood said that Mr. Jones recognizes the importance of adhering to the rules regarding the hearing (such as that the hearing is limited to cross-examination and the cross-examination is restricted to matters discussed in the witnesses' direct testimony).

After discussion, a motion was made and seconded that Mr. Jones act as sole hearing officer on a trial basis for the two pending Board cases that may soon enter the adjudicatory phase. The motion passed unanimously.

5. New Business: None.

6. Future Meetings

The Committee is scheduled to meet on December 11 at Weston & Sampson Engineers, Inc. in Peabody.

7. Adjournment: The meeting was adjourned at 1:40 p.m.